

#### REMARK

Applicant respectfully requests reconsideration of this application as amended. Claims 1-27 remain in the application. Claims 1, 3, 6, 9-11, 15-18, 20, and 22 have been amended. No claims have been added or canceled.

#### Rejections under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph

Applicant respectfully submits that claims 20 and 21, as amended, satisfy the requirements of 35 U.S.C § 112, second paragraph and respectfully requests the withdrawal of the rejection of the claims under § 112.

#### Rejections under 35 U.S.C. § 101

Applicant's claims 1-5 and 9-14 have been rejected under 101 because the claimed invention is directed to non-statutory subject matter. In particular, the Examiner asserts that claims 1, 3, and 9 are directed to methods which can be achieved by mental calculations or pen and paper calculations. However, claims 1, 3, and 9, as amended are directed to a particular computer implemented method involving an enhanced popularity score to create a useful, concrete and tangible result. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under § 101.

#### Rejections under 35 U.S.C. § 102(e)

Applicant's claims 1-27 have been rejected under 102(e) as being anticipated over Edlund, U.S. Patent 6,546,388. Applicant does not admit that Edlund is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that the invention as claimed in claims 1-27 is not described or suggested by Edlund.

Edlund discloses ranking search results based on click popularity and document recency (Edlund, Figure 4, Label 0405). Click popularity ranks a search result based on the number accesses (i.e. clicks) of a piece of information (Edlund, Col. 3, lines 46-48). That is, a search system using click popularity ranks higher a more accessed piece of information than a less accessed piece of information. On the other hand, document recency tracks the age and update frequency of the piece of information (Edlund, Col. 3, lines 48-49). Thus, the search system ranks a newer piece of information (or one with a

more recent update) higher than another piece of information that is older or has an older update. The Examiner describes document recency as “the popularity count is only incremented for the newest version of the website (version 0), which means that the popularity count weighs the new version [of the website] more heavily than any previous version [of the website]” (9/7/2005 Office Action). In either case, document recency counts clicks differently based on different pieces, or versions, of information.

However, there is no disclosure in Edlund that weighs a recent click more heavily that an older click for the same piece of information. Furthermore, there is no disclosure in Edlund that calculates a popularity score for a piece of information that weighs a recent click more heavily that an older click.

For example, claim 1, as amended, requires “creating an enhanced popularity score for a piece of information based on inflation factors applied to uses of the piece of information, wherein the inflation factors weigh more recent uses of the piece of information more heavily than older uses of the piece of information.”

Claim 3, as amended, states “receiving a request from a user to search a collection of information; determining a result of the search consisting of ranking the results based on an enhanced popularity score, wherein the enhanced popularity score for a piece of information weighs more heavily a newer use for the piece of information that an older use for the piece of information; and sending the result to the user.”

In addition, claim 6, as amended, requires “A database containing indexed information further containing an enhanced popularity score related to information contained in the database, wherein the enhanced popularity score for a piece of information weighs more heavily a newer use for the piece of information that an older use for the piece of information.”

Furthermore, claim 9, as amended, claim, “creating a modified use history by applying a time decay rate to each use in said use history, wherein the time decay rate produces a value greater for a newer use of the piece of information that an older use of the piece of information; generating the enhanced popularity score for the piece of information based on the modified use history.”

Claim 15, as amended, requires, “generating at least two hypothetical enhanced popularity scores based on said use history and said high and low use time decay rates,

wherein the time decay rates produce a value greater for a newer use of said piece of information that an older use of said piece of information; and generating an enhanced popularity score for said piece of information by applying a weighting factor to said hypothetical scores".

Claim 20, 22, and 24, as amended, cites, "the enhanced popularity score weighs more heavily a newer use of a piece of information that an older use of the piece of information".

The above quoted limitations are not described or suggested by Edlund. Support for the claims, as amended, can be found in paragraphs 13, and 17-34. For at least these reasons, Applicant respectfully submits that the independent claims are allowable. The Applicant respectfully submits that the dependant claims are allowable for at least the reason that they are dependent on an allowable independent claim.

### *Conclusion*

Applicant respectfully submits that the rejections have been overcome by the amendments and remarks, and that the Claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the Claims as amended be allowed.

*Invitation for a telephone interview*

The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.

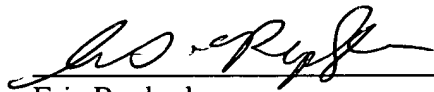
*Charge our Deposit Account*

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Eric Replogle  
Reg. No. 52,161

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025-1026  
(408) 720-8300